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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,087	11/13/2003	Kazuhisa Yamamoto	YAO-3750US3	7923

23122 7590 02/13/2006
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EXAMINER

VAN ROY, TOD THOMAS

ART UNIT PAPER NUMBER

2828

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/712,087	Applicant(s) YAMAMOTO ET AL.	
	Examiner <i>T. Van Roy</i> Tod T. Van Roy	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 78-80 and 82-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 78-80 and 82-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amending of claims 78 and 82, and the cancellation of claims 81, 86-87.

Information Disclosure Statement

The Chinese office actions listed on the submitted IDS document were not considered as no translation has been provided.

Response to Arguments

Applicant's arguments, see Remarks, filed 12/14/2005, with respect to claim 78 have been fully considered and are persuasive. The rejection of claim 78 has been withdrawn.

The examiner agrees with the applicant that the Bradley reference, relied upon to teach the use of a DFB wavelength locked source and amplifier, was not clearly stated as being of a DFB type device. The Bradley reference is most likely considered a hybrid DFB and does not meet the claim limitation.

The Yamamoto reference is believed to correctly teach the periodic domain inverted structure as outlined in the previous rejection to claim 78, as the structure has largely the same features as the conversion element outlined in the applicant's specification (see Yamamoto, figs. 5b, 8, and 11b, col.23 lines 14-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 78-80, and 82-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (US 5303247) in view of Rakuljic et al. (US 5691989).

With respect to claim 78, Yamamoto teaches a laser light source comprising: a semiconductor laser for emitting laser light (fig.15 #52, and additionally that the light be generated in a solid state source, col.25 lines 15-26) and an optical wavelength conversion element (fig.15 #55) for receiving the light so as to generate a harmonic wave (col.24 lines 26-27), the optical wavelength conversion element having periodic domain inverted structures (col.23 lines 14-25). Yamamoto does not teach the semiconductor laser to be of the distributed feedback type (DFB), or the output of the laser to be amplified by a solid-state source or wavelength locked. Rakuljic teaches a

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distributed feedback type laser (fig.21), a semiconductor laser amplifier for amplifying laser light (fig.21, col.17 lines 30-44), and the DFB laser to be wavelength locked (abs., col.17 lines 14-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the laser light source of Yamamoto with the DFB laser, laser amplifier, and wavelength locking of Rakuljic in order to use a precise wavelength laser medium, DFB (cols.16-17 lines 65-9), and improve that wavelength precision with wavelength locking (col.17 lines 14-29), to pump a gain media at its exact absorption peak to increase pump efficiency (cols.17 lines 35-44) and increase the output power of the laser system.

With respect to claim 79, Yamamoto and Rakuljic teach the laser light source outlined in the rejection to claim 78, and Yamamoto further teaches the optical wavelength conversion element to have a modulation function (col.24 lines 30-31, amplitude modulation).

With respect to claim 80, Yamamoto and Rakuljic teach the laser light source outlined in the rejection to claim 78, and Yamamoto further teaches the optical wavelength conversion element to be formed on an $\text{LiNb}(\text{x})\text{Ta}(1-\text{x})\text{O}(3)$ substrate (col.23 lines 17-18, $\text{x}=1$).

With respect to claim 82, Yamamoto and Rakuljic teach a semiconductor laser for emitting laser light (Yamamoto, fig.15 #52), and an optical wavelength conversion element in which periodic domain inverted structures (Yamamoto, col.23 lines 13-25) and an optical waveguide are formed (Yamamoto, col.24 line 22). Yamamoto and Rakuljic do not teach the width and thickness of the waveguide to be 40um or greater. It

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would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the dimensions of Yamamoto and Rakuljic to 40um or greater to adjust the power and modal outputs to fit the desired application (see MPEP 2144.05 II - In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955) – describing it is not patentable to discover the optimal ranges by routine experimentation, namely waveguide dimensions).

Claims 83-84 are rejected for the same reasons as given in the rejections to claims 79-80 above.

With respect to claim 85, Yamamoto and Rakuljic teach the laser light source outlined in the rejection to claim 82, and Yamamoto further teaches the waveguide is of a graded type (Yamamoto, col.5 lines 48-60, index grading).

Conclusion

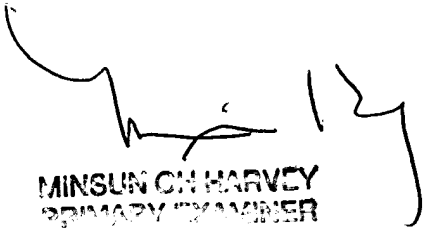
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod T. Van Roy whose telephone number is (571)272-8447. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571)272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVR



MIN SUN CH HARVEY
PRIMARY EXAMINER